

REMARKS

In response to the Notice of Non-Compliant Amendment, as shown above, claims 19, 21 and 23 have been amended further. Further, the specification has been amended to include antecedent basis for the surgical gown included in claim 21. Please note that the identification of a surgical gown as a personal care product was included in original claims 11 and 21. Thus, Applicants submit that no new matter has been added to the specification.

In the Notice of Non-Compliant Amendment, the Examiner also requested clarification as to why U.S. Patent Application Publication No. US 2002/0087129A1 to Di Luccio, et al. is not a proper prior art reference under 35 U.S.C. §102(e). Please note that §102(e) requires that for a reference to be prior art, the reference must be "filed in the United States before the invention by the applicant for patent". In the present case, however, Di Luccio was filed in the U.S. Patent Office on November 16, 2001, which is the exact same date on which the present application was filed. Thus, the present application has a constructive date of invention of at least as early as November 16, 2001. Consequently, since Di Luccio was not filed in the U.S. Patent Office prior to the date of invention of the present application, then Di Luccio cannot be prior art to the present application under 35 U.S.C. §102(e). Although Di Luccio and the present application are both owned by the same assignee, Applicants are not removing the Di Luccio reference as prior art under common ownership as provided for in 35 U.S.C. §103(c).

For at least the reasons stated in the amendment filed on April 8, 2004, Applicants respectfully submit that the present application is in complete condition for allowance. Should any issues or questions remain, however, after review of the supplemental amendment, then Examiner Reichle is invited and encouraged to telephone the undersigned at her convenience.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

1/26/05
Date

Respectfully submitted,



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